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No. 08-322

# In The Supreme Court of the United States

NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NUMBER ONE,

*Appellant,*

v.

ERIC H. HOLDER, JR., Attorney General of the United States of America, et al.,

*Appellees.*

**On Appeal From The United States District Court For The District Of Columbia**

## BRIEF OF *AMICI CURIAE* JURISDICTIONS THAT HAVE BAILED OUT UNDER THE VOTING RIGHTS ACT IN SUPPORT OF APPELLEES

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## STATEMENT OF INTEREST[1]

*Amici curiae* are several Virginia jurisdictions (hereafter "*Amici* Bailed Out Jurisdictions")[2] which over the last decade have bailed out from coverage under the special provisions of the Voting Rights Act. See 42 U.S.C. § 1973b. *Amici* Bailed Out Jurisdictions have a special interest in the bailout issues raised in this case and a unique perspective on these issues. Each jurisdiction has gone through the bailout process, has been found eligible to bailout by the United States Department of Justice and the DC courts, and each has in fact bailed out. *Amici* Bailed Out Jurisdictions believe that their views about the bailout

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[1] Counsel for the *Amici* here, J. Gerald Hebert, served as co-counsel to Travis County, Texas, in the district court. Travis County is a Defendant-Intervenor and Appellee in this case. Mr. Hebert withdrew as co-counsel for Travis County with the consent of the County, and advised the Clerk of this Court by letter dated January 22, 2009, that he had done so and would be filing a brief on behalf of certain *amici curiae* in this Court (supporting Appellees, including Travis County). A copy of the January 22 letter is appended as Exhibit A.

No counsel for a party authored any part of this brief. No person or entity other than *amici* or their counsel contributed monetarily to the preparation and submission of this brief. Correspondence from counsel of record for Appellees and Appellants consenting to the filing of this brief have been filed with the Clerk of this Court.

[2] *Amici curiae* herein are the Registrars of Voters for the following local governments in Virginia, each of whom was responsible for pursuing the bailout in the political subdivision: Amherst, Essex, Middlesex, Page, Shenandoah, and Washington counties, and the City of Salem.

process and how it actually works will inform the Court in a way none of the existing parties is able.

## SUMMARY OF ARGUMENT

Upon passage of the Voting Rights Act in 1965, each of the *Amici* Bailed Out Jurisdictions adapted to the Act's special provisions, particularly the preclearance procedures set forth in Section 5 of the Act, 42 U.S.C. § 1973c. They did so by incorporating the preclearance process into our routine procedures for implementing any change that affected voters. Over the course of the next three decades, *Amici* and the political subunits within our jurisdictions built the preclearance process into the adoption of all voting and election changes.

Except for *Amicus* Shenandoah County, which bailed out in 1999, all of the other *Amici* Bailed Out Jurisdictions have bailed out in the last three years. As detailed below, the process was not costly, administratively burdensome, or difficult. As for cost, our experience is that the total cost of obtaining a bailout was approximately $5000. That total cost included staff time gathering the relevant data and the filing of bailout documents in the DC court.

As for the bailout *process*, *Amici* found the process relatively easy and without any undue burden. Essentially *Amici* Bailed Out Jurisdictions gathered the necessary information and data supporting bailout from records we maintained in the ordinary

course of business. Our counsel then submitted that information to the United States Department of Justice, which then conducted its own independent review. We advertised the bailout in our community media and posted notices in post offices, as required by law. See 42 U.S.C. § 1973b. After we were notified by the Department of Justice that our jurisdiction had met the bailout requirements, our legal counsel filed suit and the necessary bailout papers in the DC Court.

Bailout is also achievable even if a County discovers during the bailout process that one or more of its political subunits is not in full compliance with the Voting Rights Act. During the course of the bailout process, for example, several of the *Amici* Bailed Out Jurisdictions discovered that some of their political subunits had inadvertently failed to submit certain, relatively minor voting changes for Section 5 review. In such cases, our bailout counsel promptly made a preclearance submission to the Department of Justice, preclearance was granted *nunc pro tunc*, and the bailout process was then completed.

In sum, contrary to claims made by Appellant and some of the *Amici* supporting Appellant, bailout is neither impossible, administratively burdensome, nor costly.

## ARGUMENT

### I. IMPLEMENTATION OF THE VOTING RIGHTS ACT IN VIRGINIA AND ITS SPECIAL PROVISIONS

The passage of the Voting Rights Act brought about major changes in the Virginia electorate. The Act immediately suspended Virginia's literacy test and eliminated the State's poll tax for federal elections. This Court's 1966 decision in *Harper v. Virginia State Board of Elections,* 383 U.S. 663 (1966) invalidated the Virginia poll tax for state elections. As a result of these developments, there was throughout the Commonwealth a "major surge in black registration and voting . . . in the 1960's." Quiet Revolution in the South: The Impact of the Voting Rights Act 1965-1990, p. 277 Chandler Davidson and Bernard Grofman, eds., 1994, Princeton University Press (hereafter "Quiet Revolution").

The passage of the Voting Rights Act in 1965, particularly the preclearance provisions of Section 5 of the Act, also had an immediate impact on the way local governments in Virginia such as ours conducted our business. Each of the *Amici* Bailed Out Jurisdictions had the sole responsibility to register voters for our local government (including the registration of voters for all political subunits within our borders). Each time *Amici* herein wanted to make a change in any voting standard, practice or procedure, we made a submission of such proposed change to the Department of Justice for preclearance. None of the *Amici*

here ever sought judicial preclearance from the DC court.

*Amici* Bailed Out Jurisdictions quickly adjusted to the Act's special provisions in one important way: we incorporated the preclearance process into our routine procedures for making any change that affected voters. Thus, it became standard operating procedure for voting officials in our jurisdictions to include the preclearance process in any timeline for implementing voting changes. It simply became routine practice for us to make a submission to the United States Attorney General whenever preclearance was required.

The preclearance submissions from political subdivisions such as *Amici* here were usually written by the County or City voting registrar, or some other election official in our County or City government offices, such as the City/County Electoral Board or the City/County Attorney. Our correspondence described the proposed voting change, provided whatever relevant statistical information we had which supported the preclearance request, and listed representatives of the minority community who could verify that they did not believe that the proposed changes were discriminatory. The preclearance process was straightforward, and not a single objection was ever interposed by the United States Attorney General to any voting changes made by any of the *Amici* Bailed Out Jurisdictions.

## II. THE 1982 AMENDMENTS TO THE VOTING RIGHTS ACT AND THE IMPACT ON BAILOUT

When the Voting Rights Act was amended in 1982 to permit local governments like *Amici* here to bailout, the Congress rightly believed that "[a] substantial number of counties may be eligible to bail out when the new procedure goes into effect." S. Rep. No. 97-417 at 53. Indeed, one voting rights expert, "Mr. Armand Derfner[,] presented a chart compiled by the Joint Center for Political Studies. It showed a reasonable projection of 25 percent of the counties in the major covered states being eligible to file for bailout on the basis of their compliance with the objective criteria in the compromise bill." *Id*. And the Assistant Attorney General for the Civil Rights Division at the time, William Bradford Reynolds, testified to the same effect and his projected number of jurisdictions eligible to bailout in 1982 was "virtually identical to those in the Joint Center's estimate." *Id*.

Interestingly, following the amendments and extension of the Voting Rights Act in 1982 expanding the opportunity for bailout, not a single jurisdiction bailed out until 1997. In that year, the City of Fairfax, Virginia became the first jurisdiction to obtain a bailout pursuant to the criteria set forth in the 1982 amendments to the Voting Rights Act. Upon obtaining a bailout, the City of Fairfax explained through its counsel that it had sought a bailout because it was proud of its record of equal registration and voting opportunities, and a bailout gave the City a public

and official declaration that all aspects of the City's political process were equally open to all its citizens. See J. Gerald Hebert, City of Fairfax Obtains Voting Rights Act Bailout, National Cities Weekly, November 24, 1997, available at http://www.highbeam.com/DocPrint.aspx?DocId=1G1:20097806.

And even today, while no jurisdiction subject to the Voting Rights Act's special provisions has sought a bailout and been rejected, only 17 jurisdictions have sought a bailout. The attached chart (Exhibit B hereto) lists these 17 bailed out jurisdictions and the dates that each bailout was granted.

## III. THE BAILOUT PROCESS IS NEITHER COSTLY, BURDENSOME, NOR TIME-CONSUMING

### A. The Fact That Only 17 Jurisdictions Have Bailed Out Is Not An Indication That the Bailout Provisions Are Not Working

So if Congress and voting rights experts predicted in 1982 that roughly 25% of the covered jurisdictions were eligible to bailout, why have there been only 17 bailouts since that time? *Amici* offer several explanations.

"[M]any local officials are unaware of the bailout option."[3] As more and more jurisdictions become aware of the bailout opportunity, the number of jurisdictions bailing out should increase.

Indeed, within three years of the City of Fairfax's bailout in 1997, two additional jurisdictions (Frederick and Shenandoah counties, Virginia) bailed out. See Appendix at Exhibit B. In the last three years alone (2006-2008), seven jurisdictions have bailed out, so it would appear that more jurisdictions are becoming aware of the bailout opportunity. *Ibid*.

Appellant makes much of the fact that all of the bailouts have come from Virginia. See Appellants' Brief at 25. The reason, we believe, that bailouts have occurred only in Virginia is that it is very much a local issue for us. Once Fairfax opened the bailout door in 1997, word of bailout provisions started to slowly spread throughout our state, and other local governments interested in a bailout eventually followed suit. News of Fairfax's bailout and those bailouts that followed became a topic of conversation at meetings of Virginia's local government attorney association and annual meetings of Virginia local election officials. Counsel who has handled all the bailouts made presentations about the process at

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[3] "Bailout Under the Voting Rights Act", J. Gerald Hebert, in *America Votes!* (American Bar Association, 2008) (Benjamin E. Griffith, ed.) at 325 (hereafter "*America Votes!*").

these meetings.[4] The fact that bailouts have thus far been limited to Virginia has more to do with these particularized local factors than with any perceived uniqueness in our governmental structures.

Appellant has surmised, incorrectly, that the fact bailouts have occurred only in Virginia is due to the fact that there is something "idiosyncratic" or different about our local government structures that makes bailout easier for political subdivisions in our state than in other states. See Appellant's Brief at 25. This is incorrect.

Virginia's County governments are structured much like County governments in other states. They include other political subunits of government, such as towns, utility districts, and school boards. Some states, like Texas, may have counties that contain more political subdivisions than Virginia's counties do. But others, like Georgia, North Carolina, South Carolina, and Mississippi, are structured much the same as Virginia's counties. Thus, County governments in a number of the other covered states under the Voting Rights Act are in much the same position

[4] Counsel for *Amici* Bailed Out Jurisdictions has represented all seventeen of the Virginia jurisdictions that have bailed out thus far. The fact that counsel has his law practice in Virginia and has made appearances at statewide conferences in Virginia where local election officials have been present (including County and City attorneys) is also an additional explanation of why bailouts have thus far been limited to Virginia.

as Virginia's counties when it comes to seeking and obtaining a bailout.

Virginia's cities, however, do differ from municipalities in other covered jurisdictions in one respect: cities are independent governmental entities separate from the counties they are located within. Accordingly, independent cities in Virginia run their own municipal affairs, including the maintenance of their own voter register rolls for City elections (County residents are not permitted to vote in City elections and vice versa). As a result, Virginia is the only covered state where cities may bailout, because they are separate political subdivisions which register voters.

Of the 17 bailouts in Virginia, however, only 4 have been by independent cities. See Exhibit B. Thus, Appellant's arguments that unique characteristics of Virginia local governments or its independent cities explain why Virginia-only jurisdictions have bailed out simply do not hold water.

In any event, the number of jurisdictions seeking bailout would likely increase if the Department of Justice were to make a concerted effort to disseminate information about bailout to covered jurisdictions. As counsel for *Amici* Bailed Out Jurisdictions explained to Congress in 2005, "If the DOJ were to include guidance about the bailout process and requirements with preclearance letters, where appropriate, to educate jurisdictions and make similar information clearly available under an appropriate

heading on its website for those jurisdictions unfamiliar with the bailout statute and rules, there would likely be an increase in the number of jurisdictions that seek bailout over the course of the next 25 years as compliance improves." An Introduction to the Expiring Provisions of the Voting Rights Act and Legal Issues Relating to Reauthorization: Hearing of the Senate Committee On The Judiciary, 109th Cong., 1st Sess. 177 (May 9, 2006) (Statement of Ted Shaw).

Furthermore, as explained below, the reasons that more jurisdictions have not exercised the bailout option is not attributable either to the cost involved or to the difficulty of the bailout process. To the contrary, the cost is affordable and the process of obtaining a bailout is relatively easy and straightforward for a jurisdiction that has operated in compliance with the Voting Rights Act.

### B. A Bailout Is Financially Feasible

"Local officials may mistakenly believe that bailing out is not cost-effective or is administratively difficult." *America Votes!*, *supra*, at 326. Neither belief is well-founded.

As for costs, when voting officials within a jurisdiction seeking a bailout are willing to undertake the simple task of gathering the relevant data on their own rather than paying outside counsel to do so, "the legal fees for the entire process of obtaining a

bailout are less than $5000." The Voting Rights Act: An Examination of the Scope and Criteria for Coverage Under the Special Provisions of the Act: Oversight Hearing of the House Committee On The Judiciary, Subcommittee On The Constitution, 109th Cong., 1st Sess. 90 (October 20, 2005) (Statement of J. Gerald Hebert). See also *America Votes!*, *supra*, at 326.

Furthermore, when a County or City bails out, all political subunits within the jurisdiction receive a bailout at that time. See 42 U.S.C. § 1973b. Thus, the one-time cost of a bailout for a County (or a Virginia City) and *all* its political subunits is affordable, even for relatively small jurisdictions like *Amici* Bailed Out Jurisdictions.

### C. The Bailout Process Is Neither Cumbersome Nor Complicated

Nor is the *process* of obtaining a bailout administratively difficult or complicated. Once our jurisdictions decided to seek a bailout under the Voting Rights Act, we first assembled data and information from our files to determine if we met the bailout criteria that were set forth in the Voting Rights Act. We did so under guidance from counsel. Under the Act, gathering voting and election data will "assist the court in determining whether to issue a declaratory judgment under this subsection[.]" 42 U.S.C. § 1973b(a)(4).

The data and information we gathered included information that we maintain in the ordinary course of business, such as the number of voters in each voting precinct, the number of voters who turned out at the polls in past elections, and the number of minority persons who have worked at the voter registration office, electoral board, or served as poll officials. We also gathered past election results, particularly for those elections which involved a minority candidate. Finally, we assembled information on the various opportunities and methods persons in our communities can utilize to become registered voters. Often, such information about voter registration opportunities is set forth on our local government website and thus instantly accessible.

We also regularly maintain in our files correspondence we have sent to and received from the United States Department of Justice regarding Section 5 preclearance. These letters helped demonstrate that the *Amici* Bailed Out Jurisdictions complied in a timely fashion with the preclearance requirements under the Act.

The final data we collected to support our bailout request was information that tends to show that all persons within our jurisdictions enjoy an equal opportunity to participate effectively in the political process. To do this, we simply gathered: publicly available census data off the internet; described the method of election (*e.g.*, at-large, single-member districts) for our City or County, and the elective bodies within it; and identified the location and convenience of voter

registration sites and polling place locations for our voters.

Once we assembled this data, and it was not very time-consuming to do, we submitted the data to the Attorney General for review and verification. The Attorney General then undertook an independent investigation in our community to verify our bailout eligibility. We understand that local leaders in the minority community within our jurisdictions were interviewed by Justice Department personnel to obtain their views on our bailout request.

We also published Notice of our intention to bailout and posted the Notice in all appropriate post offices, as the bailout provisions require. See 42 U.S.C. § 1973b(a)(4) ("The State or political subdivision bringing such action shall publicize the intended commencement and any proposed settlement of such action in the media serving such State or political subdivision and in appropriate United States post offices."). In some of our jurisdictions, we held public hearings on the proposed bailout to give interested persons in our communities an opportunity to learn why we were seeking a bailout, to ask questions about the process, and to inform our voters of their opportunity to intervene in a bailout action if they so desired.

Upon the Department of Justice's determination that our political subdivisions were eligible to bailout, counsel for the *Amici* Bailed Out jurisdictions drafted the necessary court papers and submitted them to the

D.C. Court for approval. The entire bailout process for *Amici* Bailed Out Jurisdictions was smooth, transparent, and straightforward.

## IV. JURISDICTIONS SEEKING BAILOUT CAN BRING POLITICAL SUBUNITS WITHIN THEIR BORDERS INTO COMPLIANCE WITH THE VOTING RIGHTS ACT DURING THE BAILOUT PROCESS

Appellant and *Amicus Curiae* Georgia Governor Sonny Perdue make the claim that an insurmountable hurdle to bailout is the fact that a State or a County lacks the power to force political subunits to comply with Section 5. See Appellant's Brief at 25-26. See Perdue Brief at 22-26. *Amicus Curiae* Georgia Governor Sonny Perdue further claims that "it is practically impossible for any jurisdiction to bail out of coverage." See Perdue *Amicus* Brief at 20-25. Neither of these claims is correct.

The argument that a State or a County is unable to obtain a bailout because it lacks the ability to bring non-compliant political subunits within their borders into compliance with Section 5 shows a fundamental lack of understanding of how the bailout process actually works. First, as the Department of Justice's Section 5 Guidelines make clear: "Changes affecting voting shall be submitted by the chief legal officer or other appropriate official of the submitting authority or by any other authorized person on behalf of the submitting authority. When one or more counties or

other political subunits within a State will be affected, the State may make a submission on their behalf." 28 C.F.R. § 51.23(a). So all a State or County has to do when faced with a Section 5 noncompliant political subunit is to "make a submission on their behalf." *Ibid*. Indeed, as explained below, this actually happened to several of the political subdivisions which have bailed out.

In *Amici* Bailed Out Jurisdictions' experience with the bailout process, we gathered data that we felt supported a bailout for our jurisdictions. We then notified the Department of Justice (DOJ) that we intended to seek a bailout and DOJ then conducted its own investigation to verify our bailout eligibility. Sometimes, in gathering data on our own and sometimes upon independent investigation by DOJ, *Amici* Bailed Out Jurisdictions discovered that a political subunit within our jurisdiction had failed to fully comply with the Voting Rights Act (*e.g.*, by making a timely preclearance submission of a voting change). In every instance when that happened, the political subunit was promptly brought into compliance with the Voting Rights Act by the County seeking a bailout. The County simply asked counsel to make a Section 5 preclearance submission on the political subunit's behalf, preclearance was obtained, and the bailout was completed. For example, in Shenandoah County, Virginia (one of the *Amici* here), which bailed

out in 1999,[5] the County discovered during the course of gathering information supporting the bailout that the County itself and a number of towns within the County had failed to submit voting changes for preclearance review. Specifically, the County had failed to submit one special election for preclearance review, and four towns within the County had failed to submit over 30 annexations for Section 5 review. But Shenandoah County encountered no difficulty in bringing the political subunits into compliance with Section 5 of the Voting Rights Act.[6] The County's legal counsel promptly submitted *all* of these changes for Section 5 review, and all were precleared by the Attorney General after his review showed no discriminatory purpose or effect. Thus, the County was able to use the bailout process to bring about compliance with Section 5 *nunc pro tunc*. Upon preclearance of these previously unsubmitted changes, and on the basis of other information supplied by Shenandoah County demonstrating compliance with the Voting Rights Act, the bailout process went forward and the Attorney General consented to the bailout judgment.

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[5] See *Shenandoah County, VA v. Reno*, No. 1:99CV00992 (D.D.C. October 15, 1999) (consent judgment and decree).

[6] The Stipulation of Facts that was signed by the parties and filed in *Shenandoah County, VA v. Reno*, *supra*, details these previously unsubmitted changes and how they were precleared during the bailout process. See *Shenandoah County, VA v. Reno*, No. 1:99CV00992 (D.D.C. October 15, 1999) (Stipulation of Facts at ¶23).

This type of flexible approach by the United States Attorney General is exactly what was envisioned by the bailout provisions. As the legislative history to the 1982 amendments explained: "This safeguard will permit evidence to be presented of voting rights infringements which have not previously been the subject of a judicial determination. However, such violations would not bar bailout if 'the plaintiff establishes that any such violation were trivial, were promptly corrected, and were not repeated.'"[7]

Similarly, two other jurisdictions that have bailed out, Roanoke and Warren counties, Virginia, had a total of 13 previously unsubmitted and unprecleared changes at the time they initiated bailout proceedings. In both instances, the unsubmitted changes (some of which had been undertaken by political subunits) were submitted for preclearance by the County, and following preclearance, the bailout process was successful. See J. Gerald Hebert, An Assessment of the Bailout Provisions of the Voting Rights Act, in Voting Rights Act Reauthorization of 2006, at 277 (Appendix A) (Henderson ed., 2007).

That Shenandoah, Roanoke and Warren counties all were permitted to bailout despite the existence of previously-implemented, but unsubmitted changes (including many changes by political subunits thereof)

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[7] S. Rep. No. 97-417, at 53, *reprinted in* 1982 U.S.C.C.A.N. at 231.

shows that the current bailout provisions are both flexible and workable for covered jurisdictions. While Congress made clear that a political subdivision cannot bailout if it has violated "any provision of the Constitution or laws of the United States or any State or political subdivision with respect to discrimination in voting on account of race or color" in the past ten years, it also permitted political subdivisions who registered voters to pursue bailout in limited circumstances even where minor voting rights infractions existed and those trivial issues could be quickly resolved, as they were in these three Virginia counties.[8]

Thus, *Amici* Bailed Out Jurisdiction's own real world experience shows that a jurisdiction that inadvertently failed to submit voting changes for preclearance but implemented the changes anyway (such as happened in Shenandoah and Warren counties) were not barred from obtaining a bailout even though implementation of the unprecleared changes constituted technical violations of the preclearance provisions of the Voting Rights Act. Such "violations" were deemed inadvertent and fell into the "trivial" category.

Moreover, it is not the case that bailout is "practically impossible[.]" Perdue *Amicus* Brief at 20. Our own bailouts prove that local governments like ours that register voters and conduct elections can establish

[8] 42 U.S.C. § 1973b(a)(3) (2005).

full compliance with the Voting Rights Act over at least a ten-year period. And *Amici* here are unaware of anything that would not permit a substantial number of counties in Georgia (or any other State subject to the special provisions of the Voting Rights Act for that matter) from seeking a bailout today and making such a showing.

It is true that in some political subdivisions, bailout will not be possible because a proposed voting change submitted for preclearance has drawn an objection by the Attorney General or was rejected by the District of Columbia court. But that is as it should be. After all, if an objection has been interposed or a declaratory judgment denied under Section 5, it is because the submitting authority failed to show that its submitted change was not free of a racially discriminatory purpose or effect. See 42 U.S.C. § 1973c. And that is precisely the prophylactic impact that Congress intended Section 5 to have, and it is one that this Court has consistently noted and upheld: "[Section 5] must, of course, be interpreted in light of its prophylactic purpose and the historical experience which it reflects." *McDaniel v. Sanchez,* 452 U.S. 130, 151 (1981). See also *McCain v. Lybrand*, 465 U.S. 236, 246 (1984), and *City of Rome, Georgia v. United States*, 446 U.S. 156, 202 (1980).

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## CONCLUSION

For the foregoing reasons, the judgment of the three-judge court of the United States District Court for the District of Columbia should be affirmed.

Dated: March 2009

Respectfully submitted,

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**EXHIBIT A**

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January 22, 2009

The Honorable William K. Suter
Clerk of the Court
Supreme Court of the United States
Washington, DC 20543

Re: No. 08-322, *NW Austin Municipal Utility District No. 1 v. Mukasey*

Dear Mr. Suter:

The Court noted probable jurisdiction in this appeal on January 9, 2009.

I serve as co-counsel for Travis County, Texas, one of the appellees in the above-referenced appeal. In that capacity, my co-counsel (Mr. Renea Hicks) and I were co-signatories to a motion to affirm submitted on behalf of numerous appellees-intervenors on November 26, 2008 I also served with Mr. Hicks as co-counsel to Travis County in the district court.

I am writing to advise the Court that I am withdrawing as counsel for Travis County in this appeal. Travis County has consented to the withdrawal. It is my intention to file a brief in this case on behalf of certain *amici curiae* who will be aligned with Travis

County. Travis County will continue to be represented in this Court by Mr. Hicks. In any *amici curiae* brief that I file in this appeal, I will include a footnote referencing my prior representation of Travis County.

Thank you for your attention to this matter.

Sincerely,

/s/ J. Gerald Hebert
J. Gerald Hebert

cc counsel of record

**EXHIBIT B**

Jurisdictions That Have Bailed Out Since 1982
Extension and Amendments to the Voting Rights Act

| **Jurisdictions (All In Virginia)** | **Bailout Granted Date** |
|---|---|
| Fairfax City | October 21, 1997 |
| Frederick County | September 9, 1999 |
| Shenandoah County | October 15, 1999 |
| Roanoke County | January 24, 2001 |
| Winchester City | May 31, 2001 |
| Harrisonburg City | April 17, 2002 |
| Rockingham County | May 21, 2002 |
| Warren County | November 25, 2002 |
| Greene County | January 19, 2004 |
| Augusta County | November 30, 2005 |
| Salem City | July 27, 2006 |
| Botetourt County | August 28, 2006 |
| Essex County | January 31, 2007 |
| Page County | September 15, 2008 |
| Washington County | September 23, 2008 |
| Middlesex County | January 4, 2008 |
| Amherst County | August 13, 2008 |